

EXHIBIT D

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United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

March 7, 2025

The Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Zeldin:

I write to express deep concern about the role of the so-called “Department of Government Efficiency” (DOGE) in reviewing and approving funding decisions at the Environmental Protection Agency (EPA). According to documents obtained exclusively by the Democratic Staff of the Senate Committee on Environment and Public Works (EPW), the EPA has recently issued new guidance to senior staff indicating that “all [funding] actions greater than \$50,000 now require approval from an EPA DOGE Team member.”¹ This escalation of the role that DOGE plays in EPA funding decisions threatens to delay routine funding processes and hand complex financial decisions to unvetted individuals with no demonstrable expertise in environmental policy or fiscal management. Accordingly, I request that you immediately reverse this policy and provide responses to my inquiries below.

On January 20, 2025, President Trump issued Executive Order 14158, establishing and implementing the so-called “Department of Government Efficiency.” That order directed you, as an agency head, to establish within EPA a DOGE Team to “implement the President’s DOGE Agenda.”² On February 26, 2025, President Trump further explained DOGE’s mission in Executive Order 14222, which provided guidance on DOGE’s role over spending in government contracts, grants, and loans. More specifically, the order clarified DOGE’s authority to scrutinize discretionary spending and terminate or modify existing contracts and grants.³

¹ Information obtained by EPW Democratic Staff.

² The White House, Executive Order 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8441 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

³ The White House, Executive Order 14158, *Establishing and Implementing the President’s “Department of Government Efficiency,”* 90 Fed. Reg. 8441 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02005/establishing-and-implementing-the-presidents-department-of-government-efficiency>.

According to the information EPW Democratic Staff obtained, EPA is now operationalizing these executive orders. On March 3, 2025, EPA sent an email instructing all division directors and deputy directors that “any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater ***must receive approval from an EPA DOGE Team member.***”⁴ The email further states that program offices are required to “complete and sign the attached EO Compliance Review Form for all funding actions.”⁵ The Compliance Review Form seeks confirmation that the funding action “does not conflict with the Executive Orders.”⁶ A separate email concurrently sent to Project Officers and Contract Officer Representatives reiterates that “any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater must receive approval from any EPA DOGE Team member” and that “[p]rograms and regions should aim to submit a single tranche of actions for DOGE review each day between 3pm - 6pm EST.”⁷ All three documents obtained by EPW Democratic Staff are enclosed with this letter.

This new directive is troubling for several reasons.

First, agency actions including contracting and grant-making now face unnecessary bureaucratic delays. Previously, routine approvals covered essential expenditures such as small-scale grants for air and water quality monitoring, laboratory equipment purchases, hazardous waste disposal at federal sites, and funding for municipal recycling programs. Second, the involvement of Elon Musk’s unvetted, inexperienced team raises serious concerns about improper external influence on specialized agency decision-making.⁸ EPA assistance agreements, contracts, grants, and interagency agreements can often be valued at rates significantly greater than \$50,000 and may involve multiple parties, rely upon complex transactional arrangements, and require specialized knowledge of environmental science, policy, and regulations. Allowing unskilled, self-proclaimed “experts,” not vetted for conflicts of interest, to have veto power over funding determinations is inappropriate and risks compromising the agency’s mission to protect public health and the environment.

Third, requiring a certification that an agency funding decision does not conflict with executive orders is illegal. It is already established by court order that it is Congress that authorizes and appropriates funds for specific purposes, not the Office of Management and Budget or the President via executive order or DOGE.⁹

In short, rather than reducing waste, fraud, and abuse, the new measures impose administrative burdens that will disrupt Congressionally-directed programs, hinder federal agencies’ ability to function effectively, and usurp Congressional spending power. This new directive is just the latest salvo in EPA’s illegal campaign to block appropriated and obligated funding to projects and initiatives with which the Administrator and the President disagree.

⁴ Information obtained by EPW Democratic Staff.

⁵ Information obtained by EPW Democratic Staff.

⁶ Information obtained by EPW Democratic Staff.

⁷ Information obtained by EPW Democratic Staff.

⁸ Donald Trump, “President Trump Addresses Joint Session of Congress,” *C-SPAN*, March 4, 2025, 1:02:12–1:02:33, <https://www.c-span.org/program/joint-session-of-congress/president-trump-addresses-joint-session-of-congress/656056>.

⁹ See Memorandum and Order, *New York v. Trump*, C.A. No. 25-cv-39-JJM-PAS (D.R.I. Mar. 5, 2025), https://storage.courtlistener.com/recap/gov.uscourts.rid.58912/gov.uscourts.rid.58912.161.0_2.pdf.

The consequences of this latest initiative extend beyond procedural slowdowns. As has been observed in disaster-stricken areas such as East Palestine, Ohio, communities rely on the agency's ability to quickly approve and distribute funds to restore access to clean water and rebuild damaged infrastructure.¹⁰ Delays caused by additional approval requirements could prolong outages, exposing communities to unsafe conditions and heightened public health risks.

Given these concerns, please respond to the follow questions and requests for documents by no later than March 14, 2025:

1. How many DOGE staff currently work at EPA?
2. Do any DOGE staff at EPA have any professional experience in accounting, forensic auditing, contracting, grant-making, environmental policy, or environmental science? Please provide current CVs for all DOGE staff working at EPA.
3. How many funding actions worth at least \$50,000 did the Agency make per week in 2024? Please provide the weekly average.
4. Please provide a full list of criteria DOGE staff will use in reviewing agency funding decisions.
5. Please provide your asserted statutory or Constitutional basis for requiring that agency funding decisions be consistent with executive orders.
6. Please list all funding decisions that have been subjected to this new process, including the dates when approval was first sought, the dates wen approval was granted or denied, and the basis for any denials.
7. Given the involvement of DOGE, which is led by the world's richest man, what safeguards have you implemented or will you implement to prevent undue private influence over EPA's decisions?
8. Have you instituted a recusal process for DOGE staff from any agency funding decision that may implicate the financial interests of Elon Musk? If so, please provide details as to how it will work and the conditions that will trigger it.
9. Provide all documents and communications between and among you, EPA staff, volunteers or employees of DOGE, Elon Musk, Russell Vought, the Office of Management and Budget, and the White House concerning the \$50,000 funding directive issued at EPA on March 3, 2025.

I appreciate your prompt attention to this matter.

¹⁰ Environmental Protection Agency, "EPA State Revolving Funds and Grants Available to Water and Wastewater Utilities," U.S. Environmental Protection Agency, last modified October 23, 2024, <https://www.epa.gov/fedfunds/epa-state-revolving-funds-and-grants-available-water-and-wastewater-utilities>.

Sincerely,



Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works

cc: Sen. Shelley Moore Capito
Chairman, Senate Committee on Environment and Public Works

FW: EO Compliance Review - contract, assistance agreement, IA funding and purchases

Retention Policy 10 years (Capstone approach) (10 years) Expires: 3/2/2025

Review_Documentation, Extramural- fillable.pdf 65 KB

From: [REDACTED] <[REDACTED]>
Sent: Monday, March 03, 2025
To: [REDACTED] <[REDACTED]>
Subject: EO Compliance Review - contract, assistance agreement, IA funding and purchases

Good Afternoon Directors and Deputies,

Earlier this afternoon we received revised guidance regarding review and approval of funding actions (e.g. - contracts, purchase card actions, assistance agreements, and IAs). This email reflects the latest information from OMS and could be subject to change. We will continue to provide updates as we receive them. **Most importantly, all actions greater than \$50,000 now require approval from an EPA DOGE Team member.** This requirement is in addition to the guidance sent late last week that OMS requires programs to certify their funding actions comply with Executive Order requirements (detailed here: [Presidential Actions - The White House](#)) and the Administrator's "Powering the Great American Comeback" Initiative (EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative 1/15/24). These requirements are in place until OMS revises them and supersede any previous guidance.

To implement these requirements, the program office must complete and sign the attached EO Compliance Review Form for all funding actions. For assistance agreements, this includes any new, supplemental, incremental funding action(s), as well as amendments to workplans and budgets. For contracts and purchase card transactions, this includes any new contract or any amendment to a statement of work. Similarly for interagency agreements it includes any new, supplemental, or other funding action. The document demonstrates the signer's (signature) and confirms the action and associated workplan or performance work statements complies with at the time of signature. If the funding action is \$50,000 or more, the form should be completed prior to beginning any Commitment Notice (CN), Funding Recommendation (FR), or Purchase Request (PR) to allow for review and either approval or denial by DOGE before any funds are committed. The revised Form requires the dollar amount and a 1 sentence explanation of the funding action. The explanation should focus on how the funding action meets statutory requirements and complies with the Executive Orders and the Administrator's five pillars outlined in Powering the Great American Comeback.

For actions of \$50,000 or more, the SRO is responsible for sending all submissions to the DOGE team. To meet daily times, please send the completed form by 2:00pm to Ken Rose for assistance agreement actions and interagency agreements, or Karyn Price for contract actions. Ken and Karyn will be batching all requests daily for submission to DOGE for approval/denial. If the action is approved by DOGE, the signed form will be sent back to the Project Officer (PO) or Contracting Officer Representative (COR), with copy to the DD and Deputy, as appropriate for inclusion in their funding document (e.g. - CN, FR, CR, PR).

If the funding action is less than \$50,000, then the Director or their designee need only provide the contract/grant/IA number, the recipient/vendor name, the funding amount, and sign the form. The PO or COR will attach the signed form to the funding document and include in the contract/grant/IA file.

Only the **Division Director** or their designee may sign the Form.

The following outlines the process for the various types of funding actions.

- 1. Assistance agreements (grants and cooperative agreements):** Project Officers (POs) shall upload the signed form to the associated efile and attach it to either the Funding Recommendation or Change Request, depending on the type of action, as well as to the Commitment Notice (Section 4, Attachments). The Funds Control Officer (FCO) will confirm EO Compliance Review Form is included in the CN before committing funds in Compass. The Grant Specialist will attach the signed Form to the draft award for award official review prior to signing.
- 2. Contracts:** The Contracting Officer Representative (COR) must attach the signed Form to the purchase requisition (PR) in EAS. The PR will then be routed to the FCO to commit the funds in Compass before it is received by the Contracting Officer to be awarded. In addition to this guidance, the following items should also be attached to the PR in EAS prior to being routed to the FCO (documents will be required as part of the PR package when routing through EAS):
 - o Compliance Review Document (signed)
 - o Specification/List of items to be purchased/Statement of Work/Performance Work Statement
 - o Independent Government Estimate (IGE)
 - o Suggested Sources/Vendors that are known to provide this service/items
 - o Previous contract number/order number (if previously procured)
 - o Period of Performance and required date that the Contractual action is needing to be in place by
 - o Purchase Request (PR) (fully routed/approved) - Preference is for funding to be provided with the initial PR routing but in some instances may be for zero dollar. Please note that Contracting Officers are not able to approve any contractual action(s) unless funding is provided on the PR.
- 3. Purchase Cards:** the requester will upload the signed Form to the Purchase Request System. The purchase card holder will then upload the EO Compliance Review Form to PCOMS along with any other supporting documentation (NDAA 889, SF-182, etc.). The purchase card holder must receive the EO Compliance Review Form prior to executing a purchase card transaction. It will then be routed to Approving Official, including any other approvals (e.g., SOB Compliance by SOB), before routing to the FCO to commit the funds in Compass. Only a select few individuals maintain a credit card with capacity to purchase items. Most actions will need to go through the Contracts Section for action.
- 4. Interagency Agreements:** the Form must be attached to the manual IA package or uploaded into G-invoicing. POs will email the signed EO Compliance Review Form to FCO when requesting a Document Control Number to commit the funds in Compass.

Executive Order Compliance Review

The following review verification document must be included with any assistance agreement, contract or interagency (IA) funding action or amendment to a workplan or statement of work. The document demonstrates that the signatory understands that the action and associated workplan or performance work statement complies with Executive Order requirements (detailed here: [Presidential Actions – The White House](#)) at the time of signature.

For actions requiring this document, signature must be by the Office Director (OD) in Headquarters or the Division Director (DD) in the regions. An OD/DD may assign a designee. Contracting Officers/ Specialists, IA Specialists, and Grants Specialists must retain the signed document in the contract, IA or grant file.

Funding actions for \$50,000 and above, review and signature by a DOGE team member is required.

Funding Action Review Confirmation

This confirms that the workplan, budget or performance work statement does not conflict with the Executive Orders and aligns with the Administrator's "[Powering the Great American Comeback](#)" initiative. Funding organizations may batch actions and attach a list of covered actions, which must include the following details, at a minimum.

Contract/ Grant/ IA #:

Recipient/ Vendor name:

Funding amount \$:

Description of Work (one sentence and only for \$50,000 and above actions):

Program Office Director (or designee)/ Regional Division Director (or designee)

DOGE Team (if required)

Subject: FW: Updated EO Compliance Review

Project Officers and Contract Officer Representatives:

Good morning. Please see the updated EO compliance review document (attached) and the instructions below.

Funding organizations will need to provide the amended EO compliance review document to award officials to signal alignment on Administration priorities as detailed through Executive Orders ([Presidential Actions – The White House](#)) and the Administrator's "Powering the Great American Comeback" Initiative ([EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative | US EPA](#)). For transactions below \$50,000, the compliance document is largely the same, except it requests the dollar amount.

There is a new requirement for transactions greater than \$50,000. **Effective today, any assistance agreement, contract, or interagency agreement transaction \$50,000 or greater must receive approval from an EPA DOGE Team member.** To facilitate the DOGE Team review, please include a brief (1-sentence) explanation of the funding action (all other fields must be completed as well). Programs and regions should aim to submit a single tranche of actions for DOGE review each day between 3pm – 6pm EST. While emergency/ special actions are understandable, please work to batch your funding actions as best as possible.

For compliance reviews requiring DOGE sign-off, please email your request by **2 p.m.** to [REDACTED] at [REDACTED]@epa.gov and [REDACTED] at [REDACTED]@epa.gov.

Thank you for your time, and feel free to contact me with any questions.

Have a great day,